

Despite existing regulations and statutory powers being in place to prevent this nuisance, UK citizens continue to suffer from the following types of nuisance telephone calls:

- Unsolicited marketing calls, without consent
- Unsolicited marketing text messages and faxes
- Recorded message marketing calls
- "Silent" calls

The failure

It is clear, and accepted by some, that the relevant statutory powers held by **Ofcom** and the **Information Commissioner** should be adequate, but are not being used effectively.

Both bodies have operational policies based on the principle of regulating (i.e. limiting) the scale of impropriety, not setting out to eliminate it. This derives from approaches suited to other aspects of their work, which are inappropriately applied to this matter.

Ofcom explicitly permits a certain percentage of calls made each day to be abandoned in silence, and for one call per caller per day to each person to result in silence as a result of use of ineffective Answering Machine Detection technology. The **ICO** permits illegal calls with a direct marketing purpose to be made, so long as the caller does not declare that purpose in the course of the call. Both **Ofcom** and the **ICO** admit that they do not investigate cases in direct response to reports from citizens - thereby discouraging reports.

If this sort of nonsense has to be applied, because these bodies cannot handle their duties properly, then responsibility for carrying out this work must be taken over by another body.

The remedy

The **fair telecoms campaign** proposes that a specialist agency be established to engage with citizens and other stakeholders to ensure that the statutory powers already in existence are used effectively to address these issues, using the evidence which is available.

This agency would provide a single point of contact for citizens to cover all nuisance communication by telephone, whether or not any "consumer" relationship was involved.

Preventing **Ofcom** and the **ICO** from confusing this work with other duties would enable them to adopt proper policies and enable proper use of their existing statutory powers.

The host

We see this agency being hosted by **Citizens Advice**, in its new wider role.

Citizens Advice already coordinates the activities of **Citizens Advice Bureaux** and provides the statutory **consumer advice line** as a single point of contact for all **Trading Standards** bodies. From April 2013 it will become the statutory **advocate for the consumer interest**.

As such, it holds the skills, knowledge and experience necessary to operate this agency, already has much of the contact with citizens and consumers that is required, and it is trusted to carry out work on behalf of government departments and statutory bodies.